

Peter A. Leeming SBN 119124  
Law Offices of Peter A. Leeming  
108 Locust Street, Suite 7  
Santa Cruz, CA 95060

Telephone (831) 425-8000  
Facsimile (831) 425-8005

Attorney for defendant JOHN ROSCOE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	No. CR 07-00373 RMW [RS]
	)	
Plaintiff,	)	<b>JOINT STIPULATION AND</b>
	)	<b>[PROPOSED] ORDER</b>
vs.	)	<b>CONTINUING STATUS HEARING</b>
	)	<b>AND EXCLUDING TIME UNDER</b>
JOHN ROSCOE,	)	<b>THE SPEEDY TRIAL ACT, 18 U.S.C.</b>
et al.,	)	<b>SECTION 3161</b>
	)	
	)	
Defendants	)	

The United States of America, by Carlos Singh, Assistant United States Attorney, and the defendants in the above case, by and through Cynthia Lie, attorney for defendant Ned Roscoe, and Peter A. Leeming, attorney for defendant John Roscoe, hereby enter into this joint stipulation:

The parties stipulate, and ask the Court to adopt as its FINDINGS that:

1. This case is currently set for a status hearing on September 10, 2007.
2. The defendants are jointly charged by indictment with in a six count indictment with conspiracy to commit bank fraud (Count One, 18 U.S.C. § 371) and with bank fraud (Counts Two through Six, 18 U.S.C. § 1344(2) and 2). The charges arise from the Roscoe's operation of a chain of stores called Cigarettes Cheaper!

1 According to the indictment, the conduct at issue occurred between the year 2000  
2 and 2003.

3 3. The parties have been engaging in informal discovery, but that  
4 process is not complete. The government is in the process of assembling and  
5 preparing to produce additional records which will need to be reviewed by defense  
6 counsel in order to effectively evaluate the case. Additional time is therefore  
7 necessary for effective preparation and an order excluding time is requested on that  
8 basis.

9 4. The parties hereby agree to and request:

10 1. That the current hearing date of September 10, 2007 be vacated;

11 2. That a new hearing be set for October 22, 2007 at 9:00 A. M., and

12 3. That an exclusion of time is appropriate and necessary under Title 18,  
13 United States Code, Section 3161(h)(8)(B)(4), because the ends of justice served  
14 by this continuance outweigh the best interest of the public and the defendant in a  
15 speedy trial.

16 IT IS SO STIPULATED

17 Dated:\_\_\_\_\_

By:\_\_\_\_\_  
CARLOS SINGH, Assistant United States  
Attorney

19 Dated:\_\_\_\_\_

By:\_\_\_\_\_  
PETER A. LEEMING, attorney  
For defendant John Roscoe

22 Dated:\_\_\_\_\_

By:\_\_\_\_\_  
CYBTHIA C. LIE, attorney  
For defendant Ned Roscoe

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

3  
4  
5 UNITED STATES OF AMERICA,                    )  
6                                   Plaintiff,                                    )  
7                                   vs.                                        )  
8 JOHN ROSCOE, et al,                            )  
9                                   Defendants                                )  
10    )  
11    )

No. CR 07-00373 RMW [RS]  
**[PROPOSED] ORDER VACATING  
PRELIMINARY HEARING DATE AND  
EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT, 18 U.S.C.  
SECTION 3161**

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**ORDER**

For the reasons stated in the above Stipulation, the Court finds that that currently set date of September 10, 2007 is vacated. The case is re-calendared to October 22, 2007 at 9:00 AM for status. Time from September 10, 2007 to October 22, 2007 is excluded pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(4), because of the need for effective preparation and because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated:\_\_\_\_\_

\_\_\_\_\_  
U. S. Judge